

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

1:03 pm, Feb 21, 2017

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KBM WORLDWIDE, INC.,

Plaintiff,

-against-

ORDER

15-cv-7254 (SJF)(GRB)

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

HANGOVER JOE’S HOLDING CORP. and
MATTHEW VEAL,

Defendants.

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FEUERSTEIN, District Judge:

Presently before the Court is Magistrate Judge Gary R. Brown’s February 1, 2017 Report and Recommendation (the “Report”) recommending that Defendants Hangover Joe’s Holding Corp. and Matthew Veal’s (together, “Defendants”) motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure be denied. *See* Docket Entry (“DE”) [24]. For the reasons set forth herein, the Court adopts Magistrate Judge Brown’s Report in its entirety.

Pursuant to Fed. R. Civ. P. 72, a magistrate judge may conduct proceedings of dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). The district court may accept, reject, or modify, in whole or in part, the findings and recommendations of the magistrate judge. *DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *see also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Where there are no specific written objections to a magistrate judge’s report and recommendation, the district court may accept the findings contained therein as long as the factual and legal bases supporting the findings are not clearly erroneous. *Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 472 (1985). Therefore, to accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district

court need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. 2009); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. 2005).

No objections to Magistrate Judge Brown's February 1, 2017 Report have been filed, and the deadline to object has expired. *See* 28 U.S.C. § 636(b)(1) (requiring that objections be filed within fourteen (14) days of being served with a copy of the report and recommendation); Fed. R. Civ. P. 72(b)(2). Upon review, the Court is satisfied that the Report is not facially erroneous. Therefore, Magistrate Judge Brown's Report is adopted in its entirety, and Defendants' motion for summary judgment pursuant to Fed. R. Civ. P. 56 is denied.

Dated: Central Islip, New York
February 21, 2017

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge